

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

SEAN DARRELL JEFFRIES, )  
                          )  
Petitioner,            )  
                          )  
v.                     ) 1:19CV1187  
                          ) 1:11CR127-1  
UNITED STATES OF AMERICA, )  
                          )  
Respondent.            )

**ORDER**

On July 6, 2020, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. Petitioner filed objections (Doc. 414) within the time limit prescribed by Section 636.

The court has reviewed Petitioner's objections *de novo* and finds that they do not change the substance of the United States Magistrate Judge's Recommendation (Doc. 412), which is affirmed and adopted.<sup>1</sup>

IT IS THEREFORE ORDERED that Petitioner's request for relief

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<sup>1</sup> Petitioner's objections are founded on a misunderstanding of what occurred at his sentencing and the difference between changes to the applicable statute and to the sentencing guidelines. Petitioner's claim that the court should have calculated a lower offense level for him ignores the fact that the court - with his counsel's agreement - considered the changes to U.S.S.G. § 2D1.1 (the "minus 2" reduction) from Amendment 782 at resentencing (instead of requiring Petitioner to file a separate proceeding under 18 U.S.C. § 3582). (Doc. 370.) The court determined that no further basis for reduction was warranted because the court had already varied below the guideline range. To the extent Petitioner argues that the First Step Act means that the threshold of 280 grams is controlling, this is a misunderstanding of the guidelines versus the statutory ranges.

under the First Step Act is denied and this action is dismissed *sua sponte* because the First Step Act § 404(c) limitation precludes relief, and because relief would be denied in the court's discretion even if § 404(c) did not preclude relief (taking into account that the court has fully considered all of Petitioner's arguments and varied well below the guidelines), without prejudice to Petitioner filing a § 2255 Motion on the proper forms if he seeks to attack his sentence under that statute.

/s/ Thomas D. Schroeder  
United States District Judge

August 21, 2020